

Honorable James P. Donohue

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**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

BETHANN SHANNON,

Plaintiff,

v.

FAIRHAVEN HEALTH, LLC, and JOHN  
DOES 1 - 10,

Defendants.

Case No. C09-736 D

**GENERAL DENIAL**

Plaintiff Bethann Shannon and Fairhaven Health, LLC have recently resolved all claims and counterclaims that could have been advanced against each other. (*See* Docket No. 12). An Order dismissing Fairhaven from this matter awaits Court approval. (*See* Docket No. 14). Under these circumstances, Defendant Fairhaven has no obligation to answer Ms. Shannon's Complaint or First Amended Complaint. However, Fairhaven does generally deny any wrongdoing in this matter.

More specifically, Fairhaven denies that Ms. Shannon has any protectable copyrights in the "Pet Sperm Sculpture." That sculpture fails even to meet the low standard for originality required by U.S. copyright law. The shape of the sculpture is generic and is completely conventional. Moreover, Fairhaven denies that it infringed any such copyrights,

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1 even if they exist. Since Fairhaven had no prior knowledge of Ms. Shannon's copyright  
2 registration, Ms. Shannon cannot claim that Fairhaven was a willful infringer. Indeed, if  
3 Fairhaven can even be alleged to have infringed, any such alleged infringement must be  
4 conceded to have been completely innocent. Finally, Fairhaven denies that Ms. Shannon was  
5 and is entitled to any of the relief prayed for in the Complaint and First Amended Complaint,  
6 whether legal or injunctive, including damages.

7 In sum, Fairhaven generally denies that it is in any way liable, and it denies all  
8 allegations of fault directed at it in the Complaint or First Amended Complaint. Had Ms.  
9 Shannon not agreed to dismiss Fairhaven from this lawsuit, Fairhaven would have answered,  
10 asserted affirmative defenses, and advanced counterclaims to establish its innocence in this  
11 matter. As it is, this general denial is sufficient.

12 Respectfully submitted this 2nd day of October, 2009.

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14 SCHWABE, WILLIAMSON & WYATT, P.C.

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16 By: /s/Paul H. Beattie

17 Paul H. Beattie, WSBA #1566  
18 Attorney for Defendant  
19 Fairhaven Health, LLC  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of October, 2009, I caused to be served the foregoing *General Denial* on the following persons at the following address by the indicated method:

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by:

<input type="checkbox"/>	U.S. Postal Service, ordinary first class mail
<input type="checkbox"/>	U.S. Postal Service, certified or registered mail,
<input type="checkbox"/>	return receipt requested
<input type="checkbox"/>	hand delivery
<input type="checkbox"/>	facsimile
<input checked="" type="checkbox"/>	electronic service through the CM/ECF court system
<input type="checkbox"/>	other (specify) _____

/s/Lynn R. Ohls  
Lynn R. Ohls

CERTIFICATE OF SERVICE - 1

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